

1 MARC J. FAGEL (Cal. Bar No. 154425)
MARK P. FICKES (Cal. Bar No. 178570)
2 (fickesm@sec.gov)
KRISTIN A. SNYDER (Cal. Bar No. 187175)
3 (snyderk@sec.gov)

4 Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
5 44 Montgomery Street, Suite 2600
San Francisco, California 94104
6 Telephone: (415) 705-2500
Facsimile: (415) 705-2501
7
8
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14 SECURITIES AND EXCHANGE COMMISSION,
15 Plaintiff,
16 vs.
17 DAVID SCOTT CACCHIONE,
18 Defendant.
19
20
21

Case No. CV-09-1259 CRB

STIPULATION AND ~~[PROPOSED]~~ ORDER
TO EXTEND THE DEADLINE FOR THE
INITIAL CASE MANAGEMENT
CONFERENCE

[Civ. L.R. 7-12]

22 WHEREAS, the Securities and Exchange Commission (“Commission”) brought the above-
23 titled action against David Scott Cacchione (“Cacchione”) on March 24, 2009;

24 WHEREAS, this Court entered Final Judgment as to all of the non-monetary relief sought by
25 the Commission against Cacchione on March 31, 2009;

26 WHEREAS, the only remaining issue in the above-titled action is the amount of disgorgement
27 and civil penalty to be imposed against Cacchione;
28

1 WHEREAS, Cacchione was initially scheduled to be sentenced in a related criminal action,
2 *United States of America v. David Scott Cacchione*, CR-09-00296 CRB, on August 4, 2009,

3 WHEREAS, Cacchione's sentencing date was postponed until September 29, 2009, and
4 postponed a second time until October 7, 2009;

5 WHEREAS Cacchione received a criminal sentence on October 7, 2009, which included a
6 restitution order of approximately \$47 million;

7 WHEREAS, Cacchione's criminal restitution order relates to the monetary relief sought by
8 the Commission;

9 WHEREAS, an initial Case Management Conference was scheduled to occur in the above-
10 titled matter on Friday, July 17, 2009 at 8:30 a.m. in this Court;

11 WHEREAS, the parties stipulated, and the Court ordered, to extend the date for such Case
12 Management Conference until October 2, 2009, and then again until December 4, 2009; and

13 WHEREAS, in the interest of efficiency, the parties seek to extend the date of the Case
14 Management Conference until January 8, 2010, at which time the Commission can more fully
15 consider what additional remedies, if any, it will seek in light of the criminal sentence imposed by the
16 Court.

17 IT IS SO STIPULATED.

18 Dated: November 17, 2009

19 _____
20 /s/
21 Marc J. Fagel
22 Mark P. Fickes
23 Kristin A. Snyder

24 Attorneys for Plaintiff
25 SECURITIES AND EXCHANGE COMMISSION

26 Dated: November 18, 2009

27 _____
28 /s/ David Scott Cacchione
David Scott Cacchione
11 Haciendas Drive
Woodside, CA 94062
Telephone: (650) 906-3620
PRO SE

PURSUANT TO STIPULATION, IT IS SO ORDERED that the initial Case Management Conference in the above-titled action will be continued from Friday, December 4, 2009 to Friday, January 8, 2010.

Dated: November 19, 2009

